

## **REMARKS**

### **I. Status of Claims**

Claims 1, 4-7, and 10-11 are pending in the application. Claims 1 and 7 are independent. Claims 2-3 and 8-9 were previously canceled. Claims 1, 4, 7 and 10 are amended. Support for the amendments can be found in, for example, Figs. 2 and 3 of the specification.

Claims 1, 4-7, 10 and 11 stand rejected under 35 USC 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 4-7, 10 and 11 stand rejected under 35 USC 101 as allegedly reciting non-statutory subject matter.

Claims 1, 2, 5, 7 and 8 stand rejected under 35 USC 102(b) as allegedly being anticipated by Hasegawa (USP 5,460,138) ("Hasegawa").

Claims 6 and 11 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Hasegawa in view of Kani et al (USP 5,114,769) ("Kani").

Claims 4 and 10 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Hasegawa in view of Kristiansson (USP 5,323,743) ("Kristiansson").

The Applicant respectfully requests reconsideration of these rejections in view of the foregoing amendments and the following remarks.

### **II. Applicants' Statement of Substance of Examiner Interview**

In compliance with M.P.E.P. 713.04, the Applicants provide this Statement of Substance of Interview concerning the interview conducted on August 12, 2009 with Examiners Vo and Coleman.

- (A) Exhibits. N/A.
- (B) Claim(s). 1 and 7.
- (C) References Discussed. Hasegawa (USP 5,460,138).
- (D) Amendments. Proposed amendments to claims 1 and 7 to clarify the feature of "presumed" were discussed.
- (E) Principal arguments of Applicants. The Applicants' representative argued that Hasegawa does not disclose the claimed cranking control module that controls the cranking module

according to the claimed conditions.

(F) Other matters. N/A.

(G) Results. Agreement was reached that Hasegawa did not disclose or suggest the claimed cranking control module that controls the cranking module according to the claimed conditions. However, the Examiners recommended further amending the pending claims for clarity to overcome the rejections.

### **III. 35 USC 112, second paragraph, Rejections**

Independent claims 1, 4-7, 10 and 11 stand rejected under 35 USC 112, second paragraph, as allegedly being indefinite. Claims 1, 4-7, 10 and 11 also stand rejected under 35 USC 101 as allegedly reciting non-statutory subject matter. During the August 12 personal interview, the Examiners recommended clarifying the feature of “presumed” to overcome these rejections. Claims 1 and 7 are amended to obviate these rejections. Reconsideration and withdrawal of the rejections are respectfully requested.

### **IV. Pending Claims**

Claims 1 and 7 stand rejected under 35 USC 102(b) as allegedly being anticipated by Hasegawa.

The Office Action argues that the Hasegawa engine barring system discloses features that can be considered to correspond to the combination of features recited in claims 1 and 7. Without conceding the propriety of this rejection, and solely to advance prosecution of this application to allowance, claims 1 and 7 are amended to recite “a reverse rotation presumption module that determines a reverse rotation state of the internal combustion engine based on the measured revolution speed of the internal combustion engine.” As discussed during the August 12, 2009 personal interview, Hasegawa does not disclose or suggest at least this combination of features.

For example, Hasegawa discloses a motor being adapted for incrementally rotating the drive shaft, and a controller remote from the motor, the controller being adapted for actuating the motor to rotate the drive shaft. (See col. 1, l. 53 – col. 2, l. 21). Hasegawa further discloses that controller 64 supplies either a “forward” signal or a “reverse” signal to motor 35, and, in

response to each signal, the motor 35 incrementally rotates drive shaft 32. (col. 4, ll. 25-41). Hasegawa, however, clearly does not disclose a reverse rotation presumption module that determines a reverse rotation state of the internal combustion engine based on the measured revolution speed of the internal combustion engine. Reconsideration and withdrawal of the rejections are respectfully requested.

For at least the above reasons, claims 1 and 7, and the claims depending therefrom, are patentable over the cited references.

**V. Conclusion**

In light of the above discussion, the Applicants respectfully submit that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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By: /Daniel G. Shanley/  
Daniel G. Shanley  
Reg. No. 54,863

KENYON & KENYON LLP  
1500 K Street, N.W., Suite 700  
Washington, D.C. 20005  
Tel: (202) 220-4200  
Fax: (202) 220-4201